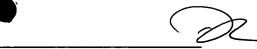




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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,748	10/006,748 12/05/2001		Lawrence A. Gordon	81688 2561	
23685	7590	08/30/2002			
KRIEGSMAN & KRIEGSMAN				EXAMINER	
665 FRANK FRAMINGI				CASTELLANC	LANO, STEPHEN J
				ART UNIT	PAPER NUMBER
				3727	
			DATE MAILED: 08/30/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
	-	10/006,748	GORDON, LAWRENCE A.				
	Office Action Summary	Examiner	Art Unit				
	•	Stephen J. Castellano	3727				
	The MAILING DATE of this communication app		1				
Period for Reply 30 days Acc							
THE in a External Factor - If the control of the	ORTENED STATUTORY PERIOD FOR REPL' MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period or re to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) o will apply and will expire SIX (6) MONTHS from the application to become ABANDO	days will be considered timely. om the mailing date of this communication. NED (35 U.S.C. § 133).				
1)	Responsive to communication(s) filed on						
2a)□		— · is action is non-final.					
3)	, _		prosecution as to the merits is				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
· _	ion of Claims						
-	Claim(s) <u>1-24</u> is/are pending in the application						
	4a) Of the above claim(s) is/are withdraw	wn from consideration.					
	Claim(s) is/are allowed.						
	Claim(s) is/are rejected.						
·	Claim(s) is/are objected to.						
	Claim(s) <u>1-24</u> are subject to restriction and/or of the contraction in the contract of the co	election requirement.					
	The specification is objected to by the Examine	r					
•	The drawing(s) filed on is/are: a)☐ accept		vaminer				
10)	Applicant may not request that any objection to the						
11)		- · ·	, ,				
11) The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority u	ınder 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
•	☐ All b)☐ Some * c)☐ None of:						
,	1. Certified copies of the priority document	s have been received.					
	2. Certified copies of the priority document	s have been received in Applica	ation No				
* 5	Copies of the certified copies of the prior application from the International Buse the attached detailed Office action for a list.	reau (PCT Rule 17.2(a)).	_				
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachmen		,,					
2) Notic	the of References Cited (PTO-892) the of Draftsperson's Patent Drawing Review (PTO-948) the mation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 Notice of Inform	ary (PTO-413) Paper No(s) al Patent Application (PTO-152)				

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-19 and 24, drawn to an insulated shipping container, classified in class220, subclass 592.23.

II. Claims 20-23, drawn to a method of making, classified in class 264, subclass 239.The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product can be made by a different process where another machine or no machine is used and the plastic parts are made by blow molding or by hand tool methods rather than injection molding.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Edward Kriegsman on August 26, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Stephen J. Castellano Primary Examiner Art Unit 3727 Page 3

sic

August 27, 2002